



Advocates for Workplace Fairness

January 26, 2022

Via ECF:

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ulku Rowe v. Google LLC, Case No. 19-cv-08655 (LGS)(GWG)

Dear Judge Schofield:

We represent Plaintiff Ulku Rowe in the above-referenced matter. Pursuant to Rule III.B.3 of Your Honor's Individual Rules, we write to request relief on the number of declarations allowed in support of Plaintiff's Partial Motion for Summary Judgment (ECF No. 152). While Your Honor's Individual Rules provide for five declarations, Plaintiff requests that the Court allow her to file an additional one-page declaration for the sole purpose of attaching three exhibits, totaling four pages.¹

Such relief is necessary as these additional exhibits illuminate the contrived nature of Defendant's position and will allow Plaintiff to address Defendant's disregard of Your Honor's Individual Rules, Rule III.6.C., stating that an opposing party shall not deny a statement as a matter of course, but only those statements that it genuinely believes to be in dispute. Plaintiff outlines the specific necessity of each exhibit below:

Exhibit 1: Defendant attempts to manufacture a dispute of fact by arguing Google paid Plaintiff more in 2017. Defendant, in ¶ 82 of its Response to Plaintiff's 56.1 Statement of Undisputed Facts and in ¶ 83 of its improper Reply in Support of its 56.1 Statement of Undisputed Facts, failed to admit that Google pro-rated Harteau's bonus due to the fact that he only worked a quarter of the year. Plaintiff's exhibit demonstrates that no issue of fact exists here.

Exhibit 2: Defendant argues, without evidentiary support, that Level 9 Technical Directors performed higher level work and thus are not proper comparators under the law. Plaintiff's exhibit demonstrates that there is no dispute of fact as to this point and reflects that each witness deposed in this matter with knowledge as to the Technical Director role stated that Plaintiff and the Level 9 Technical Directors were all performing the same role.

Exhibits 1 and 3: Finally, Defendant makes a last-ditch attempt at an affirmative defense and states that it paid Harteau more, and leveled him at a Level 9 due to his "superior qualifications and greater experience with cloud migrations and Google Cloud Platform ("GCP")." Defendant's

¹ Plaintiff filed 218 pages of exhibits in support of her Partial Motion for Summary Judgment (ECF No. 152) and even with these additional three exhibits, will comply with the 225-page limitation for exhibits ordered by Your Honor on October 22, 2021 (ECF No. 133).

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Memorandum of Law in Opposition to Plaintiff's Cross-Motion for Summary Judgment (Def's Reply Br.") (ECF No. 197). Google's rationale has shifted over time, and it only abandoned its previously-asserted affirmative defenses in its Reply brief filed on January 5, 2022. Plaintiff's exhibits reflect that the evidence in the record clearly establishes that Google did not consider cloud migration or GCP experience when it hired and leveled any of the Technical Directors.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cara E. Greene', with a long horizontal flourish extending to the right.

Cara E. Greene

Encl.

cc: All counsel of record (by ECF)